

STATE OF MICHIGAN
COURT OF APPEALS

FRANCIS T. MOORE and PATRICIA E.
MOORE,

UNPUBLISHED
August 2, 2002

Plaintiffs-Appellees,

v

No. 231922
Monroe Circuit Court
LC No. 00-011003-CH

ANTHONY HARBY,

Defendant-Appellant,

and

JEAN HARBY,

Defendant.

Before: Murray, P.J., and Sawyer and Zahra, JJ.

MEMORANDUM.

Defendant Anthony Harby appeals by right from a circuit court order granting plaintiffs' motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court's ruling on a motion for summary disposition is reviewed de novo. *Kefgen v Davidson*, 241 Mich App 611, 616; 617 NW2d 351 (2000). Plaintiffs' motion was supported by documentary evidence establishing plaintiffs' right to judgment and defendant failed to file a response establishing a genuine issue of fact. Therefore, the trial court did not err in granting the motion. MCR 2.116(G)(4); *Smith v Globe Life Ins Co*, 460 Mich 446, 455; 597 NW2d 28 (1999). The court was not required to hear oral argument on the motion. MCR 2.116(G)(1); MCR 2.119(E)(3).

Affirmed.

/s/ Christopher M. Murray
/s/ David H. Sawyer
/s/ Brian K. Zahra